



State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095  
(603) 271-3503 FAX (603) 271-5171



C & C Perl, Inc.  
Attn: William Perl  
41 Scenic Road  
Laconia, NH 03246

Re: The Broken Antler  
Laconia, New Hampshire  
EPA # 1288120

**AMENDMENT TO  
ADMINISTRATIVE ORDER  
No. WD 02-35**

May 13, 2003

**A. INTRODUCTION**

This Amendment to Administrative Order No. WD 02-35, originally issued November 1, 2002 (the "Order"), is issued by the Department of Environmental Services, Water Division ("DES"), to C & C Perl, Inc. pursuant to RSA 485:4 and RSA 485:58. This Amendment to the Order is effective upon issuance. The Order was recorded at the Belknap County Registry of Deeds on November 6, 2002, at Book 1810, Page 358.

**B. AMENDMENT**

The following amendments are hereby made to the Order:

Section C.I.14. of the Order is amended to read as follows:

14. The Water System submitted a total coliform sample in January 2002 and April 2002, but failed to submit a total coliform sample in July 2002, *October 2002 and January 2003*.

2. Section C.IV.24. of the Order is amended to read as follows:

24. The Water System failed to submit proof of public notice to DES for the July 1999, October 1999, January 2000, April 2000, October 2001, July 2002, *October 2002, and January 2003* bacteria sampling violations.

3. Add the following paragraph to Section C.V. "Sanitary Survey":

30. On October 24, 2002, a subsequent site visit was performed at the Water System. During the site visit the following additional deficiency was noted: Wiring to the well is exposed and the conduit is missing, thereby resulting in an opening into the well cap.

4. Section D.1. and D.2. of the Order are amended to read as follows:
  1. The Water System has violated Env-Ws 325.05 by failing to submit water samples for bacterial analysis in July 1999, October 1999, January 2000, and April 2000, October 2001, July 2002 *and January 2003*.
  2. The Water System has violated Env-Ws 351.01 by failing to provide proof of public notice to DES for the failure to sample for total coliform bacteria in July 1999, October 1999, January 2000, April 2000, October 2001, July 2002, *October 2002 and January 2003*.
- 5 Add the following paragraph to Section D "Determination of Violations"
  6. The Water System has violated Env-Ws 372.23(d) by having the wiring to the well exposed without a conduit, thereby resulting in an opening into the well cap.
6. **Replace Section E "Order" with the following:**

Based on the Order and the above findings, DES hereby orders C & C Perl, Inc. as follows:

1. **Within 10 days of the date of this Amendment to the Order**, submit a total coliform sample to the state laboratory or a state-certified laboratory. Within 2 days of completion, submit total coliform results to DES.
2. **Within 10 days of the date of this Amendment to the Order**, submit a nitrate sample to the state laboratory or a state-certified laboratory. Within 2 days of completion, submit the nitrate results to DES.
3. **Within 10 days of the date of this Amendment to the Order**, submit a nitrite sample to the state laboratory or a state-certified laboratory. Within 2 days of completion, submit the nitrite results to DES.
4. **Within 15 days of the date of this Amendment to the Order**, notify water consumers of the failure to sample for total coliform bacteria in July 1999, October 1999, January 2000, April 2000, October 2001, July 2002, October 2002 and January 2003.
5. **Within 15 days of the date of this Amendment to the Order**, notify water consumers of the failure to sample for nitrate in the third quarter of 2002.
6. **Within 15 days of the date of this Amendment to the Order**, notify water consumers of the failure to sample for nitrite in the second quarter of 2002 for the 2000 - 2002 compliance period.
7. **Within 25 days of the date of this Amendment to the Order**, submit proof of public notice to DES for bacteria violations listed in item E.4. above.

8. **Within 25 days of the date of this Amendment to the Order**, submit proof of public notice to DES for nitrate violations listed in item E.5. above.
9. **Within 25 days of the date of this Amendment to the Order**, submit proof of public notice to DES for nitrite violations listed in item E.6. above.
10. **Within 30 days of the date of this Amendment to the Order**, correct the deficiency identified in the August 24, 2001 sanitary survey and submit a letter to DES stating what actions were taken to correct the deficiency.
11. **Within 30 days of the date of this Amendment to the Order**, correct the deficiency identified during the site visit of October 24, 2002, and submit a letter to DES stating what actions were taken to correct the deficiency.
12. Send correspondence, data, reports, and other submissions made in connection with this Administrative Order, **other than appeals**, to DES as follows:

Alan Leach  
Department of Environmental Services  
6 Hazen Drive, PO Box 95  
Concord, NH 03302-0095  
Voice: (603) 271-2854  
Fax: (603) 271-3490  
e-mail: [aleach@des.state.nh.us](mailto:aleach@des.state.nh.us)

In all other respects, the Order remains in full force and effect.

This Amended Order is being recorded in the Belknap County Registry of Deeds so as to run with the land.



Harry T. Stewart, P.E. Director  
Water Division



**HAND DELIVERED**

Gretchen Rule, DES Legal Unit  
Public Information Officer, DES PIP Office  
Jennifer Patterson, Sr. Assistant Attorney General  
DHHS Restaurant Licensing  
Belknap County Registry of Deeds  
John Ashley, City of Laconia Health Officer  
US EPA, Region 1